1 UNITED STATES DISTRICT COURT 2 WESTERN DISTRICT OF WASHINGTON AT SEATTLE 3 CRICKET COMMUNICATIONS, INC., 4 Plaintiff/Counterdefendant, 5 NO. C08-908MJP v. 6 ORDER ON CR 37 SUBMISSION RE: HIPCRICKET, INC., PLAINTIFF'S NOTICE REBUTTAL 7 EXPERT DISCLOSURE Defendant/Counterclaimant. 8 9 The above-entitled Court, having received and reviewed the CR 37 Submission Regarding 10 Plaintiff's Notice of Rebuttal Expert Disclosure, all attached exhibits and declarations, makes the 11 following ruling: 12 IT IS ORDERED that Defendant's motion is DENIED. 13 The Court favors decisions made on the merits. Therefore, a misunderstanding of the rules or 14 an honest disagreement concerning the interpretation of conflicting rules should not control the 15 outcome of the matter on its merits. The Court sees no prejudice to Defendant resulting from the 16 modest expansion of time resulting from the differing interpretation of the rules. 17 18 The clerk is directed to provide copies of this order to all counsel of record. 19 Dated: December 19, 2008 20 Marshuf Helens 21 22 Marsha J. Pechman U.S. District Judge 23 24 25

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